

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR PERMIT TO APPROPRIATE STATE WATER
(SECTION 11.121, 11.042, 11.085 OR 11.143, TEXAS WATER CODE)
TAC CHAPTERS 30, 50, 281, 287, 288, 295, 297 AND 299
Water Supply Division, Water Rights Permitting MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Telephone (512) 239-4691, FAX (512) 239-4770

APPLICATION TO AUTHORIZE THE REUSE OF TREATED EFFLUENT
(NOT HISTORICALLY DISCHARGED)

RECEIVED
TCEQ
WATER SUPPLY DIV.
2010 FEB 9 AM 10 42

#12565

1. Applicant Information.

A. Applicant Name(s): City of Round Rock

Mailing Address: 221 E. Main Street, Round Rock, TX 78664

Telephone Number: 512-218-5410 Fax Number: 512-218-7097

Email Address: jnuse@round-rock.tx.us

B. Customer Reference Number (if issued): CN 600413181

C. Fees and Penalties

Applicant owes fees or penalties?

☐ Yes ☒ No

2. Watercourse Data.

Stream: Brushy Creek

Watershed: Brushy Creek Watershed, Brazos River Basin

County: Williamson

3. Appropriation/Diversion Request (total amount of water needed, including maximum projected uses and accounting for evaporative losses for off-channel storage, if applicable).

Requested Authorization: Request authorization to recapture and use in the future up to 20,928 acre-feet per year of treated effluent.

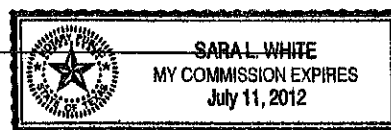
- a. On September 28, 2009, The Texas Commission on Environmental Quality issued amended TPDES Permit No. WQ0010264001 (See Exhibit "A") to the Lower Colorado River Authority and Brazos River Authority. As the TPDES Permit has been amended, the Brushy Creek Regional Wastewater Treatment Facility (West Plant) is authorized to discharge 3.0 MGD (3,360 acre-feet annually) to Brushy Creek.
- b. On April 12, 2007, the Texas Commission on Environmental Quality issued amended TPDES Permit No. WQ0010264002 (See Exhibit "B") to the Lower Colorado River Authority and Brazos River Authority. As the TPDES Permit has been amended, the Brushy Creek Regional Wastewater Treatment Facility (East Plant) is authorized to discharge 21.5 MGD (24,085 acre-feet annually) to Brushy Creek.
- c. The City of Round Rock, City of Cedar Park, and City of Austin share ownership of the Brushy Creek Regional Wastewater System as per the Master Contract for Financing,

Subscribed and sworn to by James R. Nuse, acting in his capacity as City Manager of the City of Round Rock, as being true and correct before me this 5th day of February, 2010.

Notary's Signature: Sam L. White

Printed Name: Sam L. White

Notary's Seal or Stamp: _____



**EXHIBITS SUPPORTING THE CITY OF ROUND ROCK'S APPLICATION
TO AUTHORIZE THE REUSE OF TREATED EFFLUENT**

<u>Exhibit</u>	<u>Description</u>
A	A copy of TPDES Permit No. WQ0010264001 for the Brushy Creek Regional Wastewater Treatment Facility (West Plant)
B	A copy of TPDES Permit No. WQ0010264002 for the Brushy Creek Regional Wastewater Treatment Facility (East Plant)
C	Master Contract for the Financing Construction, Ownership and Operation of the Brushy Creek Regional Wastewater System among City of Austin, City of Cedar Park, and City of Round Rock (December 8, 2009).
D	Water Sale Contract by and between Lower Colorado River Authority and Brazos River Authority Purchaser, October, 2000.
E	System Water Availability Agreement for Colorado River Basin Water between Brazos River Authority and City of Round Rock. October 4, 2001.
F	System Water Availability Agreement for Colorado River Basin Water between Brazos River Authority and City of Round Rock. September 26, 2002.
G	System Water Availability Agreement for Colorado River Basin Water between Brazos River Authority and City of Round Rock. December 13, 2006.
H	Water Conservation Plan, City of Round Rock, April 2009.
I	USGS Topo Map identifying the outfall/discharge point as authorized by TPDES Permit No. WQ0010264001 for the Brushy Creek Regional Wastewater Treatment Facility (West Plant).
J	Photographs (upstream/downstream) of the outfall / discharge point authorized by TPDES Permit No. WQ0010264001 for the Brushy Creek Regional Wastewater Treatment Facility (West Plant).
K	USGS Topo Map identifying the outfall/discharge point as authorized by TPDES Permit No. WQ0010264002 for the Brushy Creek Regional Wastewater Treatment Facility (East Plant).
L	Photographs (upstream/downstream) of the outfall / discharge point authorized by TPDES Permit No. WQ0010264002 for the Brushy Creek Regional Wastewater Treatment Facility (East Plant).
M	Copy of Check No. <u>120374</u> in the amount of \$1,000 payable to TCEQ.

7. **Metering:** Diversions of effluent authorized for reuse pursuant to this Application will be metered at the diversion point authorized by future applications to be filed by the City of Round Rock.

8. **Water Conservation Plan:** The City of Round Rock has attached hereto as Exhibit "H" a copy of its amended water conservation plan which has been approved by TCEQ previously. This plan will be followed in connection with the City's future use of treated effluent sought to be authorized for diversion pursuant to this application. In the event the City of Round Rock contracts for the sale of treated effluent to any third party customer, the City of Round Rock will make it a requirement of any such contract that the buyer have an appropriate TCEQ approved water conservation plan prior to diversion of any effluent. The City of Round Rock also proposed "special conditions" to this effect for inclusion in the permit of this application.

9. **Fees:** Attached hereto is Check No. ¹²⁰³⁷⁴ in the amount of \$1,000 payable to TCEQ to cover the filing and estimated recording fees for this application. A copy of the check is attached hereto as Exhibit "J." The City of Round Rock requests that TCEQ staff advise City staff of any additional fees that may be required for completion of processing the application.

10. **Notice:** No notice of the City of Round Rock's application is required because the City of Round Rock only seeks the right to divert and use future discharges of the effluent authorized by TCEQ Permit No. No. WQ0010264002 that originates from water from the Colorado River Basin which has not been discharged historically. Accordingly, with respect to this application, because of the fact that no portion of the 20,928 ac-ft/yr of effluent has been discharged previously (i) no water right has or could have been issued based upon any portion of the City of Round Rock's future discharges of the 20,928 ac-ft/yr originating from water from the Colorado River Basin, and (ii) no part of the environment nor any environmental uses (including any instream use, riverine habitat, or coastal areas) have developed and/or relied upon the future increases in effluent discharges the City of Round Rock seeks to permit through this application.

11. **Special Conditions:** In light of the City of Round Rock's seeking the authorization to divert and use the additional 20,928 acre-feet per annum in a two (2) step process, the City of Round Rock recommends that the permit contain two special conditions to be satisfied prior to the City of Round Rock's diversion of any portion of the 20,928 acre-feet per annum described in this application that contemplate the following:

- a. The City of Round Rock will seek separate authorization from TCEQ to authorize (i) the point of diversion, (ii) the rate of diversion, and (iii) the place(s) of use of the diverted effluent once the same has been determined; and
- b. The City of Round Rock will provide (i) an amended conservation plan to address the type of use contemplated (if not already addressed in the City of Round Rock's existing conservation plan), and/or (ii) that in the event the City of Round Rock contracts to a third party for the use of the effluent that the third party have, or submit to TCEQ for approval, a conservation plan specific to the intended use(s).

12. **City of Round Rock's Representative:** The City of Round Rock is represented in connection with this application by the law firm of Sheets & Crossfield, P.C., 309 E. Main Street, Round Rock, Texas 78664. Please direct any correspondence or questions regarding the City of Round Rock's application to Mr. Stephan L. Sheets of that firm at (512) 255-8877.